# When policies make (up for) politics: a view from Romania

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# When Policies Make (up for) Politics
## A View from Romania

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Two general perspectives, perfectly congruous, guided the analysis of the political change undergone by the former communist countries currently members of the European Union: one was focused on the object to be changed, looking for social, economic or cultural preconditions of democracy and weighting the inheritance of communist and pre-communist experiences; the other was concerned, in a more strategic vein, with the subject performing the change, investigating the rationale and effects of political choices leading to democratization. It is our contention that a perspective envisaging change as a political process or, to be more accurate, as a plurality of entrenched political processes, is more fruitful in accounting for the complexity of the transformation and in explaining the varieties of postcommunist democracy. The depth and scope of postcommunist transformations may be uncovered, analyzed and measured while accounting for its diversity and, most of all, for its dynamic and erratic character, with the help of Theodore J. Lowi's typology of political processes[1]. Having recourse to Lowi's conceptualization has, in our view, several noticeable merits: (1) it states for the very beginning the multiplicity of actors and logics of postcommunism, thus breaking the illusion of an unified outlook of postcommunist political change; (2) it situates the uncertainty of postcommunism not only within the inner economy of each political process, but also in their mutual and various interactions; (3) it allows us to overcome the difficulty of dealing with structural distinctions such as regime vs. state or state vs. society whose delimitations are the very product of postcommunism rather that its premises; (4) it helps us to apprehend the complexity of this historical phenomenon in its inherent synchronicity while avoiding the trap of rigid causalities.

Going beyond the classical operational distinctions between politics and administration, policy-making and policy implementation, law and policies, and even politics and policies, and asserting that any policy involves a certain kind of coercion, Theodore J. Lowi's typology orders the multiplicity of political processes within a fourfold conceptual matrix based on the crossing of two criteria: the subject-matter of policies (regulation/rules or welfare/benefits) and their scope (individual or category/class or persons). Consequently, each political process is delimiting a specific "arena of power", defined by a particular power structure resulting from the typical interplay between specific actors carrying out definite endeavors. In the arena of constituent policies, general rules (constitutional engineering, institutional

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[1] We are referring to the seminal Theodore J. LOWI, "Four Systems of Policy, Politics, and Choice", *Public Administration Review*, vol. 32, no. 4, 1972, pp. 298-310, to this author's recent book *Arenas of Power*, Paradigm Publishers, Boulder & London, 2009, where the author thoroughly develops and exemplifies the conceptual model he proposed in the '70s, as well as to the redesign of his typology in Mauro CALISE, Theodore J. LOWI, *Hyperpolitics. An Interactive Dictionary of Political Science*, University of Chicago Press, Chicago, 2010 (an on-line platform available at http://www.hyperpolitics.net/).

design, electoral system) addressing the most comprehensive class of individuals in a polity, the citizenry, are designed by political and bureaucratic elites acting at the top level of the political unit. Within the redistributive arena, strategies of immediate coercion (fiscal policies, social security policies etc.) directed to more or less extensive categories of citizens tailored by bureaucratic expertise are set up as the result of negotiations between national political actors, high civil servants and pressure groups. Descending to the lower layers of the polity, regulative processes are legitimate forms of direct coercion or legitimate violence exercised by those territorially deployed public agencies in charge with identifying, sanctioning and correcting individual behavior transgressing the established rules. Finally, distributive or patronage policies are processes oriented toward the grass root level of the polity intended to engineer various forms of social consensus by distributing divisible benefits through the interplay of actors and agents established or validated at the territorial or corporate level of society. Each arena has its own rationale as it aims to polish class/category behavior (constituent) or individual behavior (regulative), or incit class/category (redistributive) or individual (distributive) behavior. Typically, the interaction within arenas may be conflictive (constituent, regulative), consensual (constituent), collusive (distributive) or pluralistic (regulative). Moreover, the four typical processes analytically isolated by Lowi are accounting not only for the various dynamics of a political system, but also for its diverse and distinct layers, thus heuristically reassessing the combined exertion of the verticality and the horizontality of a polity[1].

As distinct as they may be, these processes are intertwined in the general movement of a political unit. Their constant interplay can be described in different ways. If patterned and predictable to some extent, the overall economy of the four types of policies can be construed as a system or, in Max Weber terms, as a valid or enduring order. Within it however, the game of causal determinations contradicts the logic generally ascribed and/or alleged by public law or democratic theory. It was Lowi's empirically grounded contention that "policies determine politics". That is, against the classical assumption according to which the political decisions taken in the high political spheres enjoy a logical primacy, reverberated as they would typically be in lower or remote parts of the polity, the highly visible and sometimes dramatic choices and strategies designed in the constituent arena are conditioned or even contradicted by, if they are not the mere result of the constant and unforeseen work of the other three types of political processes[2].

After the Second World War, the Eastern European regimes strived to embody the Soviet model, *i.e.* to set and organize their constituent policies by emphasizing, simultaneously and/or successively one policy or the other. As precipitate and unexpected as it was, the fall of communism suddenly dismantled the patterned policy interplay configured and validated during the Party-state rule. However, not only the way out of communism was diversely experienced throughout the area, but also, in every particular case, the inner economy of each political process was differently altered by the event, engendering a diversity of postcommunisms. We shall ourselves limit to the Romanian case, acknowledging that a comparative

[1] Cf. Giovanni SATORI, "What is Politics?", *Political Theory*, vol. I, no. 1, 1973, pp. 5-26.

[2] See especially chapter 3, "Parallels of Policy and Politics. The Political Theory in American History", in Theodore J. LOWI, *Arenas of Power*, cit., pp. 65-90.

approach to postcommunisms guided by this fourfold typology could be nothing but revealing. Postcommunisms may be construed as a highly unplanned and difficult reshaping of the interplay between the four arenas, knowing that each corresponding power structure was undergoing by the same move massive rearrangements. Also, postcommunisms could be reconstructed as a succession of critical junctures between the four processes. In each arena, actors are shaped and reshaped as their interaction is constantly and erratically redesigned.

This analysis of the Romanian postcommunism is a sketchy one. It does not aim to apprehend the whole complexity of the Romanian political change. Instead, it focuses on the vicissitudes of the confection of a new regime, of a renewed relation between the citizens and the political authority[1] asking for a converted rationale of political legitimacy while acting through institutional arrangements and sociological modes shaped during communism and compelled to a diffuse functional reshuffling from the very first moments of postcommunism.

In the Romanian 1989 collapse of communism, civil unrest, the army and the police changing loyalties, as well as the defection and execution of the head of the Party-state, Nicolae Ceaușescu, disorganized in an abrupt manner the constituent and the regulative arenas. It was in that setting dramatically seized by uncertainty that narratives of the fall of communism are beginning to be told. Theses narratives served then as means designed or simply endorsed by newly emerging actors within this devastated constituent arena aiming to acquire a political identity and a public profile in order to set their claim to participate in the making up of the constituent policies of postcommunism. The political value of those narratives was, at that time, largely illocutionary as these stories were, after all, the only substance those new groups in quest of political status were actually made of: they existed only by telling the tale of the civil unrest to rebellious citizens. Narratives of the fall of communism remained central in Romanian politics until the constituent arena acquired a somehow patterned configuration. For Romanian political actors, December 1989 was a significant element as long as they lacked organizational strength, as they were disputing in a national setting framed by a highly centralized state, and as they addressed a politically mobilized public through national and state owned media and an institutionally integrated society within the infrastructural networks of the socialist state. However, the relative stabilization of the constituent arena was due to a lesser extent to clear and enduring choices made within its jurisdiction and more to the joint work of processes within and through the other arenas. In this respect, one way to capture the sequence of critical junctures between the various political processes defining postcommunism is to have a transversal and synchronic look at partisan politics, electoral processes, and policies of institutional redesign of the state architecture. In this gallery, electoral processes are playing a privileged part. This is not only because they are stances of visible concentrated contentiousness, but mainly because, considered as a process, that is as a setting in motion of various institutions and actors, it is one of the few loci of explicit and momentous intersection of all four political processes mentioned above.

[1] Charles TILLY, *Democracy*, Cambridge University Press, Cambridge Mass., 2007, pp. 1-24.

## *Contentious Postcommunism: Constituent Politics*

The very first years of Romanian postcommunism were a time of constituent politics, or, simply put, a time for giving the first answers to the basic lasswellian question: "who gets what, when and how?" in the new setting shaped by the demise of the Communist Party and the execution of the head of the Party-State. However, in this case and against any expectation of the actors involved, political morphology had precedence over political syntax. More specifically, *who* was the blistering part of the question: *who* was to become the subject in the basic grammar of the new regime to be put up? *Who* was to give the operational definition of the "democracy" to be born? *Who* was to tell the rules of the new game in order for everybody to play accordingly? The way this *who* question was then answered largely depended of the practical meanings of the *what*, and mostly of the *when* and *how* as they were then phrased. The history of this constituent politics may be retold in the light of those questions.

From a technical point of view, the fall of Romanian communism was as sequence of civil unrest, repression and institutional collusion. It was, first of all, the expression of a massive civil disobedience, or the bottom-up as well as top down invalidation of the regulatory processes of the regime. It was also a sudden decapitation of the Party-State: the Secretary General of the Romanian Communist Party and President of the Socialist Republic was executed in the last days of 1989, while the Communist Party itself was declared vanished, officially inexistent, in the first days of 1990. Instrumentally speaking, the actor responsible for those two events was the Romanian military and police. Politically speaking, the two gestures were commanded and alleged by an *ad hoc* and very ambiguous actor, the self-styled National Salvation Front (NSF), materialized spontaneously in the public life, addressing the nation through the voice of a handful of persons and claiming to be the political byproduct of the so-called "Revolution", a "Revolution" playing the part of provisional constituent policy in times of change.

This "Revolution" is told by the national spokesmen of NSF while the whole process is still in the making. Consequently, this first narrative is exhaustive: it defines the past, it sets up the present and it gives a general outlook of the future to come. It is intended to be consensual and to support a strategy of political substitution and institutional endurance: the communist regime was a personal dictatorship of Nicolae Ceaușescu; this dictatorship was overthrown by a revolution; the revolution was made by the "whole people, by the army and the police"; this revolutionary outburst created a "vacuum of power" which the NSF was to completely fill up in order to ensure and preserve the integrity and chiefly the functional character of state institutions by establishing a provisional government; at the same time, the NSF was to set up the conditions for the future "democratization" of the country[1]. Thus, in the mechanics of the political change, the design of the NSF was then to reshape the constituent arena while striving to preserve and protect the other power structures of the former regime.

As consensual as it was meant to be, this strategy, and the story going along with it, was challenged as a consequence of the radical and sudden disorganization

[1] For a detailed account of the Romanian December 1989, see Alexandra IONESCU, "La dernière révolution léniniste. Pensée et pratique de l'autorité révolutionnaire en Roumanie", *Studia Politica. Romanian Political Science Review*, vol. VI, no. 1, 2006, pp. 25-114.

of the Party-state regulative arena: that is the derangement of the routinized ways the relations between individuals and institutionalized devices of individual coercion uses to work throughout the former socialist system. The collision between a ravaged constituent politics and a dismantled regulative one impacted not only on the national visible politics, but also on the lower and more intimate layers of the polity. To put it simply, it disturbed the relationship between citizens, as individualities and as organized/institutionalized groups, and political authorities from both sides of the link.

Spontaneously endorsing rights that were to be subsequently enacted or simply taking advantage of the new political opportunities, various groups disputed the position and the scope of the NSF, claiming to enter the constituent arena through this new door opened by the possibility of creating political parties. The claim inflected the political substitution strategy initially conceived by the NSF spokesmen and determined them to disclose the constituent arena to the contesting groups in terms and conditions the NSF itself designed. The act started a Romanian "round table" which, having similar consequences in terms of legitimacy as the other eastern-European political negotiations[1], exhibited several peculiarities[2]. Firstly, there was no Romanian Communist Party to take part in as no public voice alleged its existence, and as the leaders of the NSF had anyhow officially declared it had vanished away. Secondly, the bargaining was based on a balance of power favoring the NSF. Endowed with a nationwide revolutionary legitimacy the latter contrasted with a large variety of small groups asserting various identities, but mostly unable or unwilling to retell coherent courter-narratives of the fall of communism.

This unbalanced and contentious "round table", which lasted for three month, produced the first operational definition of the democracy to be born, written in the text of the first electoral law and eventually transcribed with minimal corrections in the 1991 Constitution. It set its actors, its general rules as well as the scope of the regime in the making. The new democracy was to be an electoral democracy, expressed through parties running for parliamentary seats in national elections organized upon the principle of proportional representation, acquiring parliamentary majorities and thus forming the government. On the one hand, as minimal as it was, this first definition had then a double value: considered as a political principle, it was capable to satisfy everybody; considered as a political mechanism, it firstly and largely favored the NSF. On the other hand though, seen in retrospect, this first definition was largely inspired by a form of political wishful thinking. The game was set as if its actors would have been already or at least would have rapidly become nationwide, coherent and strongly articulated political parties able to invest Parliament and, by the same token, legitimize national elective institutions by producing all sorts of policies meant to generate the postcommunist welfare. Or, as hopeful as it may have been with regards to the would-be subjects of the postcommunist constituent politics, this first arrangement set the general conditions for their ulterior emergence in a way that largely contradicted the initial design.

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[1] Jon ELSTER (ed.), *The Round-Table Talks. The Breakdown of Communism*, University of Chicago Press, Chicago & London, 1996.

[2] Daniel BARBU, *Republica absentă. Politică și societate în România postcomunistă*, Nemira, București, 2004, available also in German, *Die abwesende Republik*, transl. by Larissa Schippel, Frank & Timme, Berlin, 2009.

The electoral democracy of the 1990s was caught in a trap, both conceptual and functional. On the one hand, while they were supposed to represent citizens, to produce the political community as such in a visible and actual manner, parties were in fact producing themselves as electoral identity was the only identity they were able to acquire and as there was not yet a political society to be re-presented. On the other hand, while producing themselves electorally, parties were not really capable to differentiate each other and thus to became effective agents of pluralism. Much has been said on the elusiveness of political messages in postcommunism in general, on the lack of political prospects and on the diluted identity of the parties. Romanian postcommunism was no exception in this respect. But there was a decisive structural reason for this condition. Besides a certain lack of political imagination, parties were somehow condemned to be indistinct: firstly, they were addressing an indistinct society, as society at large was not readable, at least not yet, neither in political nor in governmental terms; on the other hand, the scope of the political messages launched by the parties had to be exhaustive, had to have the extent of the former socialist state, as Romanian society was still penetrated and animated by its regulative and redistributive networks. Thus, electoral democracy was confined into a conceptual vicious circle: it was supposed to read the political society through parties, while parties were meant to give society a political image of itself. In this vicious circle of the postcommunist constituent politics, narratives and counter-narratives of 1989 served as a temporary way out.

Romanian postcommunism started with a minimal definition of what a political party was supposed to be: any group of 251 citizens, provided that it had some kind of founding chart, some form of political program and, most of all, the will to participate in the electoral competition[1]. However, in contrast with this political comprehensiveness, the electoral law issued by the so called Provisional Council for National Unity was constraining in a different manner. Certainly, in its principle – proportional representation with no threshold – it was highly permissive and entirely coherent with the party definition already established. But the political and electoral mechanism imagined at that time established a pattern of strategic interactions between the more or less disorganized power structures of each arena.

This initial electoral law[2] set in motion two significant dynamics. First, it drew the map of constituencies following the lines of the administrative layout designed at the end of the 1960s and systematically reconfirmed from then on. Second, it designed a configuration of top-down and bottom-up institutional equilibria which will act as a general layout for the organizational make-up of Romanian parties. The counties, functional hinges between the central and local politics and policies and frameworks of both regulative and redistributive processes designed and practiced during communism, were thus to become parliamentary constituencies. Within each county, the electoral process was to be organized in precincts tailored by the county authorities and based on electoral lists established by mayors chosen by the central government[3]. On the other hand, parties were invited to submit lists of candidates to the county electoral offices bearing the counter-signature of the party's national leadership. This

[1] As set by one of the NSF's first decrees, December 31, 1989.

[2] The first electoral law was enacted by the Provisional Council of National Unity, composed of representatives of the NSF and of parties constituted in January-February 1990 following an algorithm largely favoring the latter.

[3] Until 1992, the mayors of Romanian localities were appointed by the Government.

setting engendered several consequences. Firstly, it suddenly endowed the locus of distributive and regulative processes shaped during communism, the county, with an electoral added value. Secondly, it offered to the party leaderships quickly improvised in the aftermath of the fall of communism instruments to control or at list tame the recruitment of the candidates expected to run in the newly established constituencies. Thirdly, it strongly discriminated between competitors by opening or closing to them the access to the other arenas of power.

The state architecture inherited from the Communist regime exhibited at least three structural characteristics which were to become highly pertinent from an electoral and party-building point of view. First, it was all-encompassing, integrating in control or productive units all the active Romanian population. Secondly, it was a highly centralized architecture, were communes, townships and counties were ordered within a net of hierarchical subordinations to the central government. Thirdly, it was intensely heteronymous: Romanian communism had produced a structurally unified Party-state by building simultaneously the intertwined party and state apparata. Moreover, following the guiding principles of institutional endurance set in the first moments of the "Revolution", this centralized logic was reinforced by the provisional authorities who willingly endorsed the power to nominate or dismiss county or local officeholders, delaying by the same token the organization of local and county elections.

Unsurprisingly, the first 1990 general elections confirmed the victory of the NSF while confining the other would-be parties in a state of second-rate political actors. Typically, two ways for relating the electoral competitors to the territorial deployed Romanian society were available to the parties in the making: media, especially state owned media, and state architecture. While only the NSF parliamentary and governmental representatives were able to engage in distributive processes by controlling the all-encompassing state architecture, its competitors were somehow confined to organize their social support and electoral appeal within the limits of the turbulent regulative arena.

It is in this setting that a counter-narrative of the fall of communism was elaborated and disseminated by various contending groups. Endorsed and unified by parties opposed to the NSF, it served to establish their claim to embody an "anticommunist" identity. It has been already and pertinently observed that this "anticommunist" identity was essentially postcommunist[1] as not only it took some time for it to be articulated in a coherent political statement but also relied on postcommunist public gestures and attitudes. Like the first narrative, it appraised the past, it designed the present and it drew a general outlook of the future: the fallen regime was not embodied in the person of Nicolae Ceaușescu, but in the Communist Party apparatus; the apparatus succeeded in surviving the demise of the Party and "confiscated" the "Revolution"; so the "revolution" has to continue peacefully in order to put an end to communism by chasing the former Communist Party elite out of the political realm.

Surprisingly enough, at the very moment when the national political conflict seemed to acquire clarity through the confrontation of the two grand narratives of December 1989, that is in first half of the 1990s, political processes were to become more and more complicated and unpredictable in their entrenchment at other levels of the political setting.

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[1] Daniel BARBU, *Republica absentă*, cit., pp. 107-121.

## *Socializing the State: Regulative Postcommunist Processes*

Crafting public identities was only one of the imperatives of party building strategies. Assembling party organization was another. If identity was framed in a national site by parties' spokesmen engaged in conflictive arguments suggesting Homeric confrontations, organizational-building worked at lower levels of the political unit as, all in all, votes were gathered on the ground, in the counties and in the polling stations.

Civil disobedience in various forms characterized the first years of Romanian postcommunism. Certainly, their most visible and aggregated forms were public protest, usually with a political aim. Most public rallies of the 1990s were one way or the other inserted in the national "anticommunist" versus "neo-communist" debate, participating in the process of party identity building. However, another form of disobedience emerged rapidly in Romanian postcommunism: massive, tacit, but not less pertinent with regards to constituent and especially to redistributive processes. At the local and intermediate levels of the polity, individuals and groups were spontaneously able to escape the constraints of the regulative policies designed by the former regime. The entropy of the regulative arena of Romanian postcommunism increased suddenly, while its structure became highly pluralistic, annihilating the capacity of state institutions to polish actual behaviors of individuals and groups in a coherent manner. The capacity of individuals, be them unruly citizens or future entrepreneurs, to interpret freely and on the spot rules enacted hastily by national officials met the incapacity or unwillingness of regulative public agencies of any sort (courts, police, agencies of fiscal or economic control etc.) to tame this overall randomness. Individual practical creativeness, dramatic inadequacy of the institutional means of control, collusive practices of regulative officeholders of any sort, usually expressed through the emergence of black market or the spread of corruption, described together the spontaneous dynamic reconfiguration of the regulative arena.

The phenomenon may be construed in various ways. From a bottom-up perspective, it may be understood as a powerful and intense socialization of state institutions on the ground, largely contradicting the centralized logic of the state architecture managed from above. From a top-down perspective, it meant the outburst of ungovernability[1], as abrupt social blindness of state agencies was its immediate corollary, and, therefore, the dramatic invalidation of the rationale of all redistributive policies of the former regime. In other words, national postcommunist political leaders were striving to save the integrity of the state, while its very means and devices of government were rapidly turning inadequate with respect to a society governmentally illegible, if not even unreachable. The very rationale of governmental routines validated during socialism was suddenly broken.

Indeed, the general institutional architecture of the Romanian state remained highly centralized. However, by the end of 1991 and in the horizon of future local

[1] Richard ROSE, *Governing the Ungouvernability. A Skeptical Inquiry*, Studies in Public Policy, 7, Center for the Study of Public Policy, University of Strathclyde, Glasgow, no. 1, 1977. Distinct of the notion of *legitimacy* which answers the question *why*, the notion of *ungovernability* addresses the modal question of the ways and means of government, interrogating its capacity and its efficacy. Silent during the communist regime, this question started to be loudly expressed from the very first moments of postcommunism.

elections, local and county instances of state administration have already become would-be active units within the distributive arena, endowed with the legal capacity and the attribution of managing public services and the patrimony within their jurisdiction as a result of the administrative redesign set in motion from 1991 on[1]. As in the general elections law, local units (townships, communes) acquired the charge of laying the polling stations and drawing electoral list, under the supervision of county prefects. However, with respect to party-building organizational strategies, probably the most significant disposition of the local electoral regime concerned the capacity of party leaders at the county level to control the candidates. Thus, while the territorial deployed state architecture was experiencing a process of socialization from below, party organizations in the making were undergoing a similar process, thus balancing the ability of party leaders to set up clear partisan strategies and forcing them to compose with diverse local realities in order to confirm their electoral appeal.

The first 1992 local elections were already revealing from this point of view. Certainly, taking advantage of the minimal legal definition of political parties established at the beginning of postcommunism, the gallery of political parties addressing the whole nation through the media became more and more populous, as, under the vague umbrella of the two grand narratives of the fall of communism, various groups were emerging, melting up or splitting down. However, even if the NSF, itself affected at a national level by inner conflicts, preserved its electoral dominance, elective positions at local and county levels were more equitably distributed between party labels, suggesting a disconnection between the elective layers of the regime, interpreted at that time as a general tendency of the body politic to massively switch electoral preferences.

It is in this general framework defined by electoral volatility, organizational instability, and unsteady balance between party in central office and party on the ground that a new operational definition of Romanian democracy was issued in 1995 by the Parliament elected in 1992 and quite compound in its partisan composition. This second definition may be interpreted as a corrective constituent policy. Certainly, considered from a strategic point of view, it was meant to confine the access to the elective institutions. However, in a constituent perspective, it may be seen as an attempt of the political elite at the national level to remediate to the failings of the constitutional design established in 1991. As previously stated, the parliamentary logic of the regime was resting on the presupposition explicitly alleged by its promoters that Romanian postcommunist politics was to be organized around massive parties able to build clear governmental majorities. Or, if this postulation had been suggested by the first 1990 elections, the next ballot had already forced the party leaders to engage in more or less stable coalition strategies thus blurring the functional arrangement of the political regime and facilitating the access to governmental positions and benefits to a variety of political actors. Therefore, this mid-1990s constituent policy acted through two instruments: through the establishment of electoral thresholds limiting the access to the parliamentary, county and local seats, on the one hand; through a renewed and more restrictive legal definition of parties, on the other hand.

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[1] The process of redesigning the administrative framework of the Romanian state started in 1990-1991. As shy as the will of decentralization may have been at the beginning, the process enabled actors playing at various institutional levels of the state architecture with a more and more autonomous capacity of distributing public resources.

In the terms of the 1996 law on parties, Romanian democracy would have ceased to be an electoral democracy in order to become a party democracy. The legal portrait of the Romanian party was drawn accordingly. Parties were defined as legal persons of public law accomplishing a constitutional mission, they were required to have a specific and rather massive number of founding members, to prove their territorial coverage by recruiting members and building local organizations in counties, they were compelled to participate systematically into national elections and, moreover, they imperatively had to reproduce the administrative architecture of the state in their inner organizational structure. This legal definition was destined to endure as its requirements were incessantly strengthen from then on and it was accompanied by provisions governing the public financing of political parties[1]. However, its consequences were not entirely those desired or expected.

## *The End of Contentious Politics and the Triumph of Distributive Policies*

The 1996 elections were considered as the triumph of anti-communist parties. Allied in a heteronymous coalition, various political parties having engineered their public identity by endorsing the "anticommunist" narrative of the fall of communism had reason of the parties alleging to the alternative story. However, beneath if not against this ideological fracture in the history of Romanian postcommunism other political processes invalidated the redistributive ethical agenda of the so-called anticommunist coalition. Those coterminous processes were informing the political change, located as they were in the distributive and redistributive arenas. Together, they were somehow responsible for maintaining the confrontation between political parties at a national level.

On the one hand, under the top-down weight of the International Monetary Fund (IMF) and the bottom-up pressure exercised by groups within the regulative arena, restructuring planned economy and undoing the grand social policies of the communist regime became a huge distributive process whose benefits were shared out by all parties having undertaken a governmental responsibility. This distributive process typical of the 1990s worked through actors located in the higher levels of government administration and corporate agents in the making mainly but not exclusively within the scope of the infrastructural network of the former socialist state. The objects of the distributive process were various: estates, goods, acquisitions, participations in public companies to be privatized, business opportunities of all sorts. The bottom-up socialization of the state administration through the regulative arena joined the top-down dismantlement of state economy. Again, the phenomenon may be described in various ways. From a classical political theory point of view, the process slowly engendered a newly born unruly civil society, or a space of satisfaction of needs outside explicit government intervention or reach. From a political sociology

[1] From an electoral legislation viewpoint, the period of 1990-1996 proved to be the more stable one in Romanian postcommunism. Afterwards, modifying, adding or correcting the legislation dealing with parties (organization and financing) and elections (thresholds, eligibility, designing constituencies, organizing the electoral process as such) became one of the main businesses of Romanian governments.

stance, it may be seen as a collusive disjunction between state and society. Political parties were simultaneously authors, beneficiaries and byproducts of this process, as they were invited to circumstantially connect the territorial-electoral volatility of the Romanian body politic with the corporate-functional spontaneous dynamism of the Romanian society.

On the other hand, both regulative and distributive processes typical for postcommunism dramatically obstructed the redistributive policies designed under communism. Romanian society became illegible not only in terms of effective individual behaviors, but also in terms of categories to be inserted in welfare policies. Government officials stretched the welfare/integrative instruments coined during the former regime (*e.g.* retirement allowances, health insurances, educational policies), crafted new ones (*e.g.* taxation, unemployment policies) striving to cover the social opacity either in the name of social-ethical imperatives – the end of the communist working class, the rise of entrepreneurs –, or through distributive policies addressing specific social categories considered electorally beneficial (peasants, retired persons, students, mothers etc.). One should also note that, beside the lack of an operative knowledge of the dynamics of the Romanian society during postcommunism, the governmental imagination or will of Romanian governments was drastically limited and controlled by the pressure put first by the IMF and the World Bank agreements and, later, by the various forms of conditionality implied by the process of European integration.

The interaction between the constituent processes of the mid-1990s and the distributive processes of the first postcommunist decade had at least three major consequences on Romanian political parties. Firstly, the rigid legal definition set up in 1996 failed to transform Romanian parties in patterned forms of membership and collective action at a national level. The bottom-up and top-down processes affecting state architecture through the regulative and distributive arenas and by the same token party building strategies rendered party headquarters unable to control neither their organizational elements on the ground, nor their representatives in public office[1]. If the restrictive legal definition of parties somehow restrained the secessionist tendencies within existent parties, it did not reduce the inner entropy of party organizations, nor enforce the distinctions between Romanian parties. On the contrary, their organizational weakness and congenital heteronomy just expressed itself in different ways. On the one hand, through the migration of elected representatives from one party to another following the electoral forecast of the moment, reshaping thus parliamentary or local councils majorities during the legislative term. Just before the 2000 elections, the party leading the so-called "anticommunist" coalition having won the 1996 elections lost its support in Parliament being deserted by its own representatives for parties with more electoral appeal. Far from being a circumstantial event, the process affected Romanian parties ever since, transgressing every single ideological distinction line between political actors. On the other hand, this partisan interpenetration took also a more structured form as not only individuals but local party organizations were in the habit of changing loyalties from one election to another.

[1] For an analytical view on the inner economy of parties see Richard KATZ, Peter MAIR, *How Parties Organize. Change and Adaptation in Parties Organizations in Western Democracies*, Sage Publications, London, 1994.

Secondly, this organizational confusion between Romanian parties strongly affected their identity strategies. On the one hand, party headquarters were not able anymore to defend neither ideological identities, nor irreducible narratives of the fall of communism for party structures having contradicted their irreducible character. "The communist past has become politically irrelevant" notoriously claimed a liberal Romanian politician in the eve of the 2000 elections, calling for an ideological realignment of Romanian parties. However, the realignment proved to be impossible. Because, on the other hand, the enhanced social illegibility of Romanian society engendered by the postcommunist regulative and distributive processes rendered Romanian parties unable to offer the electorate alternatives of redistributive policies capable to replace the distinctions drew upon the conflictive narratives of the fall of communism. Under the permissive umbrella of European integration, Romanian parties became more and more indistinct.

Thirdly, within the inner economy of this organizational fragility of Romanian parties, the balance between party in central office and party on the ground changed dramatically. The regulative instrument coined in 2006 in order to penalize those elected local officials who would have been tempted to change their partisan affiliation after elections has to be considered in the light of the process of political emancipation of local party structures affecting all Romanian parties. This political emancipation worked through different channels. On the one hand, it was expressed through the increased disjunction between local and national coalition strategies between parties. From the 1992 elections on, without necessarily contradicting national results, local elections produced very diverse political configurations in the counties and local councils throughout the country. As local levels became more and more significant units in the distributive arena, especially through their capacity to grant construction licenses or manage public commodities distribution, this electoral diversity engendered, especially after 2000, a variety of local political majorities resting on all possible combinations between parties often against the governmental alignments at national level[1]. On the other hand, as a result of the national distributive policies of the 1990, the juncture between parties and Romanian society considered on a corporate-functional axis, descended from governmental levels towards the lower levels of the polity. County party organizations, in their capacity of gathering votes and supplying financial resources for parties, became more and more significant in determining the choices of partisan leadership. From 2001 on, all significant Romanian parties having coped with the postcommunist constituent criteria experienced more or less dramatic changes in their leadership due to political equilibria set at local and intermediate levels of their organizations and visibly or contentiously expressed in party congresses[2].

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[1] Cristian PREDA, Sorina SOARE, *Regimul, partidele și sistemul politic din România*, Nemira, București, 2008.

[2] The first party to experience this turmoil was the Democratic Party in 2001, followed by the Social Democratic Party in 2005, both direct descendents of the NSF. Afterwards, all Romanian parties were affected by more and more conflictive and unstable relationships between their local and national levels.

## *A De-nationalization of Romanian Politics?*

The integrated result of all those processes was a de-nationalization of Romanian politics. Under the joint pressure of European integration and accession, successive Romanian governments were forced to engage in regulative – redesigning the judicial system, reforming or inventing control agencies – and redistributive policies – managing social cohesion. In order to do so, in conditions of enduring social illegibility, they had to appeal to public and partisan power structures already engaged as actors or resources in the distributive arena.

In 2008, the legal framework of national elections changed significantly. While preserving an overall proportional logic, the electoral law did two major turnovers. First, it personalized the voter's choice by dividing the counties into single-members districts designed this time by the government. Second, and most importantly, it withdrew from party central offices the capacity to nominate or control the candidates for Parliament while assigning it to county party organizations. The result of this shift was consistent with the processes mentioned above. On the one hand, political competitiveness diminished significantly as no electoral district staged direct contest between prominent party leaders. On the other hand, the electoral competition lost any national significance. Confined within their counties and districts, local parties collided and colluded on a convenient distribution of their mandates, refraining from elaborating national grand narratives of the past or future.